



## **Capability Policy**

Date Reviewed:	September 2025
Next Review Date:	October 2026
Policy Owner:	Mrs Gemma Mitchell
Ratified @ FGB & Date:	FGB 14.10.2024

### **Mission Statement**

We are committed to providing a supportive, enjoyable and family style environment in which every child is nurtured and encouraged to achieve their potential through a broad-based curriculum and opportunities for developing sporting, dramatic, artistic and musical talents.

### **Statement of Aims & Objectives**

- To enable each child to fulfil their own academic and personal potential.
- To instil in every child the importance of developing personal initiative and to foster in them a belief that they can fulfil their potential in any area of school life.
- To provide a broad based academic and extra-curricular education that is delivered in such a way as to satisfy the learning needs of each and every pupil.
- To help each pupil to develop both a set of Christian values and an understanding and appreciation of other religious beliefs.
- To learn the difference between right and wrong and to appreciate that rights and responsibilities are equally balanced.
- To develop and promote a sense of caring and community between the pupils within the school and the wider community as a whole.
- To instil in each pupil a high degree of self-respect and respect for their fellow pupils, teachers and other adults.
- To prepare each child for the transition to the next stage of their education and to be able to take advantage of any opportunities as they present themselves.



## Safeguarding

Oakhyrst Grange School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. At this school we respect and value all children and are committed to providing a caring, friendly and safe environment for our pupils so that they can learn in a relaxed and secure atmosphere. We believe that every pupil should be able to participate in all school activities in an enjoyable and safe environment and be protected from harm. This is the responsibility of every adult employed by, or invited to deliver services at Oakhyrst Grange School. We recognise our responsibility to safeguard all who access school and promote the welfare of all of our pupils by protecting them from physical, sexual and emotional abuse, neglect and bullying. This should be read in conjunction with the Safeguarding Policy.

All staff will be asked to complete training annually following KCSIE updates. Further safeguard training will take place throughout the year. All staff must wear their lanyards at all times.

The Safeguarding governor is: Pauline Clark [Pauline.clark@oakhyrstgrangeschool.co.uk](mailto:Pauline.clark@oakhyrstgrangeschool.co.uk)

DSL: Roxann Dowling (Head of EYFS) 07746135233

DDSL: Gemma Mitchell (Headteacher) 07786 393228

DDSL: Faye Dance (Deputy Headteacher) 07415 359114

[dsl@oakhyrstgrangeschool.co.uk](mailto:dsl@oakhyrstgrangeschool.co.uk)



## **Purpose**

The policy applies to all staff in the School.

If a member of staff demonstrates serious underperformance, and has not responded appropriately and / or sufficiently to support provided within the appraisal process, the member of staff will be notified in writing that the appraisal system will no longer apply and that their performance will be managed under the capability procedure, and will be invited to a formal capability meeting.

At least five working days' notice will be given of the formal capability meeting. The notification will contain sufficient information about the concerns about performance and their possible consequences to enable the member of staff to prepare to answer the case at a formal capability meeting. It will also contain copies of any written evidence; the details of the time and place of the meeting; and will advise the member of staff of their right to be accompanied by a companion who may be a colleague, or a trade union representative. Members of staff are entitled to request an alternative date which is within five days of the original date. Before moving to formal capability, informal support such as coaching, mentoring, training or further appraisal discussions should normally be attempted and documented.

## **Formal capability meeting**

This meeting is intended to establish the facts. It will be conducted by the Board of Governors (for Headteacher capability meetings) or Headteacher or Senior Leadership Team (for other members of staff). The meeting allows the member of staff, accompanied by a companion if they wish, to respond to concerns about their performance and to make any relevant representations. This may provide new information or a different context to the information/evidence already collected. You may not be accompanied by a Legal Representative at any meetings. The companion may be either a colleague or an accredited trade union representative, and reasonable adjustments must be made where disability applies.

The person conducting the meeting may conclude that there are insufficient grounds for pursuing the capability issue and that it would be more appropriate to continue to address the remaining concerns through the appraisal process. In such cases, the capability procedure will come to an end. The person conducting the meeting may also adjourn the meeting for example if they decide that further investigation is needed, or that more time is needed in which to consider any additional information.

In other cases, the meeting will continue. During the meeting, or any other meeting which could lead to a formal warning being issued, the person conducting the meeting will:

- identify the professional shortcomings, for example which of the standards of any member of staff are not being met;
- give clear guidance on the improved standard of performance needed to ensure that the member of staff can be removed from formal capability procedures (this may include the setting of new objectives focused on the specific weaknesses that need to be addressed, any success criteria that might be appropriate and the evidence that will be used to assess whether or not the necessary improvement has been made);



- explain any support that will be available to help the member of staff improve their performance;
- set out the timetable for improvement and explain how performance will be monitored and reviewed. The timetable will depend on the circumstances of the individual case but in straightforward cases could be between four and six weeks. In more complex cases, the monitoring period may extend to 8–12 weeks to ensure fairness.
- warn the member of staff formally that failure to improve within the set period could lead to dismissal. In very serious cases, this warning could be a final written warning or other serious implications such as no pay progression. Alternatives such as redeployment or role adjustment may also be considered before dismissal.

Notes will be taken of formal meetings and a copy sent to the member of staff. Where a warning is issued, the member of staff will be informed in writing of the matters covered in the bullet points above and given information about the timing and handling of the review stage and the procedure and time limits for appealing against the warning.

#### **Monitoring and review period following a formal capability meeting**

A performance monitoring and review period will follow the formal capability meeting. Formal monitoring, evaluation, guidance and support will continue during this period. The member of staff will be invited to a formal review meeting, unless they were issued with a final written warning, in which case they will be invited to a decision meeting (see below). Interim review meetings should normally take place during the monitoring period to ensure support is effective.

#### **Formal review meeting**

As with formal capability meetings, at least five working days' notice will be given and the notification will give details of the time and place of the meeting and will advise the member of staff of their right to be accompanied by a companion who may be a colleague, or a trade union representative. Warnings should specify whether they expire and, if so, after what period.

If the person conducting the meeting is satisfied that the member of staff has made sufficient improvement, the capability procedure will cease and the appraisal process will re-start. In other cases:

If some progress has been made and there is confidence that more is likely, it may be appropriate to extend the monitoring and review period;

If no, or insufficient improvement has been made during the monitoring and review period, the member of staff will receive a final written warning.

As before, notes will be taken of formal meetings and a copy sent to the member of staff. The final written warning will mirror any previous warnings that have been issued. Where a final warning is issued, the member of staff will be informed in writing that failure to achieve an acceptable standard of performance (within the set timescale), may result in dismissal and given information about the handling

of the further monitoring and review period and the procedure and time limits for appealing against the final warning. The member of staff will be invited to a decision meeting.

### **Decision meeting**

As with formal capability meetings and formal review meetings, at least five days' notice will be given and the notification will give details of the time and place of the meeting and will advise the member of staff of their right to be accompanied by a companion who may be a colleague, or a trade union representative.

If an acceptable standard of performance has been achieved during the further monitoring and review period, the capability procedure will end and the appraisal process will re-start. If performance remains unsatisfactory, a decision, or recommendation to the Board of Governors, will be made that the member of staff should be dismissed or required to cease working at the school.

The member of staff will be informed as soon as possible of the reasons for the dismissal, the date on which the employment contract will end, the appropriate period of notice and their right of appeal.

### **Decision to dismiss**

The power to dismiss staff in this school has been delegated to the Headteacher.

Once the decision to dismiss has been taken, the Headteacher or Board of Governors will dismiss the member of staff with notice.

### **Appeal**

If a member of staff feels that a decision to dismiss them, or other action taken against them, is wrong or unjust, they may appeal in writing against the decision within five days of the decision, setting out at the same time the grounds for appeal. Appeals will be heard without unreasonable delay and, where possible, at an agreed time and place. The same arrangements for notification and right to be accompanied by a companion will apply as with formal capability and review meetings and, as with other formal meetings, notes will be taken and a copy sent to the member of staff.

The appeal will be dealt with impartially and, wherever possible, by the Senior Leadership Team or Governors who have not previously been involved in the case.

The member of staff will be informed in writing of the results of the appeal hearing as soon as possible.

Appeals should normally be heard within 10–15 working days where possible, by governors or SLT not previously involved.

### **Consistency of Treatment and Fairness**

The Board of Governors is committed to ensuring consistency of treatment and fairness. It will abide by all relevant equality legislation, including the duty to make reasonable adjustments for disabled members of staff. Reasonable adjustments for disabled staff will be considered at every stage of the procedure.



### **Grievances**

Where a member of staff raises a grievance during the capability procedure the capability procedure may be temporarily suspended in order to deal with the grievance. Where the grievance and capability cases are related it may be appropriate to deal with both issues concurrently.

### **Sickness**

If long term sickness absence appears to have been triggered by the commencement of a formal capability procedure, the case will be dealt with in accordance with the school's absence policy and will be referred immediately to the occupational health service to assess the member of staff's health and fitness for continued employment and the appropriateness or otherwise of continuing with monitoring or formal procedures. In some cases, it may be appropriate for monitoring and/or formal procedures to continue during a period of sickness absence. The school will also consider whether the employee has a disability under the Equality Act 2010, and make reasonable adjustments as appropriate.

### **Record keeping**

It is in the joint interests of both the employee and the School to keep written records during the capability process.

Records will be treated as confidential and in accordance with the Data Protection Act, which gives individuals the right to request and have access to certain personal data.

Records will be retained only for as long as necessary and then securely destroyed.

This Policy is subject to regular review.